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37 C.F.R. 1.8

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August 9, 2004
Date

Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:
Michael BRISTOW et al.**

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: T.Ton

Atty. Dkt. No.: MYOG:004USD1/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-01450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed March 19, 2004, finally rejecting claim 23.

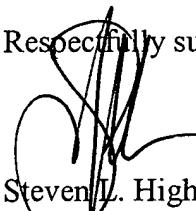
The fee for filing this Notice of Appeal is \$165.00 and is attached hereto.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an

overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:004USD1/SLH.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,


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Date: July 28, 2004